

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEVEN VANLEUVEN,

Plaintiff,

v.

BANK OF AMERICA, N.A., ET AL.,

Defendants.

Case No. 11-12634

District Judge Victoria Roberts

Magistrate Judge R. Steven Whalen

REPORT AND RECOMMENDATION

On February 23, 2012, Defendants filed a motion to dismiss Plaintiff's 5-Count complaint [Doc. #14]. On March 12, 2012, Plaintiff filed an amended complaint based on a quiet title action [Doc. #15]. The amended complaint, of course, superseded the original complaint. *See Parry v. Mohawk Motors of Michigan, Inc.* 236 F.3d 299, 306 -307 (6th Cir. 2000)(citing *In re Atlas Van Lines, Inc.*, 209 F.3d 1064, 1067 (8th Cir.2000)). On July 19, 2012, I filed a Report and Recommendation that the amended complaint be dismissed.

Accordingly, I recommend that Defendants' motion to dismiss [Doc. #14], based on the original complaint, be DENIED AS MOOT.

Any objections to this Report and Recommendation must be filed within fourteen (14) days of service of a copy hereof as provided for in 28 U.S.C. §636(b)(1) and E.D. Mich. LR 72.1(d)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985); *Howard v. Secretary of HHS*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Filing of objections which raise some issues but fail to raise

others with specificity will not preserve all the objections a party might have to this Report and Recommendation. *Willis v. Secretary of HHS*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

Within fourteen (14) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall be not more than twenty (20) pages in length unless by motion and order such page limit is extended by the court. The response shall address specifically, and in the same order raised, each issue contained within the objections.

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Date: July 19, 2012

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on July 19, 2012.

s/Johnetta M. Curry-Williams
Case Manager